

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOURTH JUDICIAL CIRCUIT
COUNTY OF MARLBORO)	CASE NO. 2021-CP-
Dena Griggs,)	
Plaintiff,)	
)	
v.)	SUMMONS
)	
Wal-Mart Stores East, L.P.,)	
)	
Defendant.)	
_____)	

TO DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Complaint on the subscriber at 205 N. Irby Street, Florence, South Carolina, within thirty (30) days from the service hereof, exclusive of the date of such service; and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

Barth, Ballenger & Lewis, LLP

s/Kevin M. Barth

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 December 9, 2021

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOURTH JUDICIAL CIRCUIT
COUNTY OF MARLBORO)	CASE NO. 2021-CP-
Dena Griggs,)	
Plaintiff,)	
)	
v.)	
)	COMPLAINT
)	(Jury Trial Demanded)
Wal-Mart Stores East, L.P.,)	
)	
Defendant.)	
_____)	

The Plaintiff, complaining of the Defendant herein, would respectfully allege and show unto this Honorable Court as follows:

1. That the Plaintiff is a citizen and resident of the County of Marlboro, State of South Carolina.
2. That upon information and belief, Defendant Wal-Mart Stores East, L.P. is a corporation and/or business entity organized and existing under the laws of one of the States of the United States other than the State of South Carolina, but who maintains agents, employees, servants and business locations in the County of Marlboro County, State of South Carolina. The Plaintiff is further informed and believes that Defendant Wal-Mart Stores East, L.P. derives significant income from its business dealings in the County of Marlboro, State of South Carolina and that it is subject to the jurisdiction of this Court.
3. That upon information and belief, Wal-Mart Stores East, L.P. (hereinafter “the Defendant”) owns and operates, and maintains control over, a retail establishment in the County of Marlboro, State of South Carolina doing business as Walmart Supercenter #4457.

4. That on or about October 31, 2019, the Plaintiff was in the Defendant's store as an invitee for lawful and legitimate business purposes, more particularly, shopping. As the Plaintiff herein was entering the store, she was near the line of shopping carts and the cart bin.

5. As the Plaintiff reached the shopping cart bin and turned to enter the store, an employee of the Defendant pushed the line of shopping carts into the Plaintiff, violently hitting her back and causing her to scream in pain.

6. The Plaintiff immediately felt pain in her back and conveyed that to the employee who apologized for pushing the carts into her.

7 That the Defendant, by and through its agents, employees and/or servants, pushed a line of shopping carts into the Plaintiff, when he knew or should have known that pushing the carts too hard would cause injury to their patrons including the Plaintiff.

8. That the Defendant, through its duly authorized agents, employees and/or servants, acting within the course and scope of their employment, were negligent, willful, wanton, reckless and grossly negligent in one or more of the following particulars:

- A. In failing and neglecting to keep the shopping carts safely in the cart bin;
- B. In pushing the carts at a speed and strength causing the carts to go through the bin and into the Plaintiff;
- C. In failing to erect or post warning signs or otherwise give notice to the Plaintiff of the dangerous condition being caused by the moving shopping carts;
- D. In failing and neglecting to inspect the area to ensure that no patrons were close enough to the cart bin to possibly be injured;
- E. In failing to exercise that degree of care and caution that a reasonably prudent business owner would have exercised under the circumstances;

All of which were the direct and proximate cause of the injuries and damages suffered by the Plaintiff.

9. That as a direct and proximate cause of the negligence, willfulness, wantonness, recklessness and gross negligence on the part of the Defendant, the Plaintiff was greatly and severely injured in or about her person, to specifically include, but not limited to, her back and leg; that the Plaintiff was rendered sick, sore, disabled, bruised and shocked thereby and continues so to be; that all of such injuries have caused the Plaintiff extreme and excruciating pain continuously to this date and the Plaintiff will continue to suffer such pain in the future; that as a direct and proximate result of the negligence as aforementioned, the Plaintiff suffered severe bruises and contusions and great pain and suffering.

10. That as a direct and proximate cause of said negligence, willfulness, wantonness, recklessness and gross negligence on the part of the Defendant:

A. The Plaintiff was confined to the care and treatment of skilled practitioners of the healing arts and nurses;

B. The Plaintiff is presently being treated by such persons and will continue to receive treatment from them in the future;

C. The Plaintiff has expended large sums of money for such treatment and will be obligated to expend even more money in the future for such care and treatment;

D. The Plaintiff was hindered and prevented and in the future will be hindered and prevented from transacting and attending to the Plaintiff's necessary and lawful affairs since the date of the injury and lost and was deprived of gains, profits, salaries, pleasures and advantages and earning capacity and ability which the Plaintiff would have otherwise derived and acquired had it not been for the accident;

E. The Plaintiff was in the past, at present and will in the future, be put to great expense for medicine, drugs and medical attention;

F. The Plaintiff has expended large sums of money in the past and present for transportation to and from the doctor's office and will continue to have such expenses in the future and has been permanently impaired as a result of the accident.

11. That as a direct and proximate result of the foregoing acts by the Defendant herein, the Plaintiff has suffered actual damages and is demanding a judgment against the Defendant in a sum sufficient to compensate her for those damages.

12. That Plaintiff is informed and believes that she is also entitled to an award of punitive damages as a result of the Defendants' gross negligence, and willful and reckless conduct.

WHEREFORE, the Plaintiff respectfully prays for judgment against the Defendant for an award of actual damages in an amount sufficient to compensate the Plaintiff for the actual damages sustained, plus an award of punitive damages in an appropriate sum and for the costs of this action.

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